

Absent.

Beck. Rawlings.

Absent—Excused.

Fellbaum. Woodruff.
Greer.

Message From the House.

Hall of the House of Representatives.
Austin, Texas, February 5, 1934.
Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has adopted the Conference Committee Report on H. B. No. 4 by a vote of 126 yeas and 6 nays.

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

At Ease.

Senator Holbrook moved that the Senate stand at ease, at 2:15 o'clock p. m., for the purpose of hearing, before the State Affairs Committee, the discussion on the General Moratorium measure.

The motion prevailed.

In Session.

The Chair, Lieutenant Governor Edgar E. Witt, pursuant to standing at ease, called the Senate to order at 3:18 o'clock p. m.

Bill Signed.

The Chair gave notice of signing, and did sign in the presence of the Senate, after its caption had been read, the following bill:

H. B. No. 4.

Adjournment.

On motion of Senator Hornsby, the Senate, at 3:22 o'clock p. m., adjourned until 10 o'clock a. m., tomorrow.

SEVENTH DAY.

Senate Chamber,
Austin, Texas,
February 6, 1934.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Edgar E. Witt.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.
Blackert.
Collie.
Cousins.
DeBerry.
Duggan.
Greer.
Holbrook.
Hopkins.
Hornsby.
Martin.
Moore.
Murphy.
Neal.
Oneal.

Pace.
Parr.
Patton.
Poage.
Purl.
Rawlings.
Redditt.
Regan.
Russek.
Sanderford.
Small.
Woodruff.
Woodul.
Woodward.

Absent—Excused.

Fellbaum. Stone.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Woodruff.

Petitions and Memorials.

(See Appendix.)

Committee Reports.

(See Appendix.)

Senator Excused.

On motion of Senator Rawlings, Senator Stone was excused for the day on account of important business.

S. C. R. No. 6.

Senator Oneal sent up the following resolution:

Whereas, March 2, 1936, will mark the one hundredth anniversary of the Declaration of Independence of Texas; and

Whereas, The history of Texas is unique in the annals of the States of the Union in that Texas alone of the States was for years an independent republic and so recognized by the great nations of the world including the United States, France and Great Britain; and,

Whereas, Texas has made great progress during the hundred years of her independence, and has attracted thousands of citizens from elsewhere; and,

Whereas, It is the duty of every people from time to time to stop and take stock of their progress, and to give credit to the pioneers who came first into the country and by their efforts and sacrifices made possible

the achievements and progress of later generations and,

Whereas, No more heroic people ever pioneered a new country than the early settlers of Texas; and no people more deserving to be remembered and revered in history than the men and women who faced the trials of the 20's, 30's and 40's of the 19th Century in Texas ever lived;

THEREFORE, BE IT RESOLVED, By the Senate of Texas, the House of Representatives concurring, That a committee of nine persons, to be known as the Legislative Centennial Committee, be created as follows:

During the present session of the Legislature, or within ten days thereafter, the President of the Senate shall appoint as members of this Committee four members of the Senate, and the Speaker of the House of Representatives shall appoint five members of the House. Said presiding officers shall be authorized to fill any vacancies that may occur on said committee.

That the duties of the committee shall be prescribed generally as follows:

The committee, if appointed before this session of the Legislature adjourns (and it is the intention of this resolution that the appointments shall be so made), shall meet in the Capitol at Austin before the session adjourns, otherwise on April _____, 1934, and shall organize by electing one of its members chairman and another secretary, and such other officers as may be necessary and shall at such meeting determine upon and fix a place and a date for its next meeting.

The committee shall adopt such rules and regulations as are necessary to carry out the purposes and provisions of this resolution. The committee shall be provided with a committee room in the Capitol at Austin.

The committee shall begin its work not later than its second meeting, and shall carry on that work as directed by a majority vote of the committee.

The committee herein provided shall have full access to all books and records in the several departments of the State Government and in the various schools and other institutions of the State that may enable the committee to get such information upon the early history and development of the Colony of Texas,

the Republic of Texas, and the State of Texas, as will enable it better to perform its duties under this resolution.

The committee shall have the authority to request of the heads of State departments and State institutions of higher education, such information and aid as they may be able to give the committee to facilitate its work.

The committee may receive from private persons and institutions such aid as the committee may see fit to accept, it being the purpose and intent of this resolution to confer upon the committee full discretion in its work.

After the committee has made careful study of the whole situation, it shall be its duty to prepare and submit to the next session of the Legislature, during the first week thereof, a report and a plan or plans for a patriotic Centennial Celebration in the year 1936 throughout the State of Texas, commemorating the Independence of Texas and its achievements of one hundred years.

The members of the committee shall serve without compensation or expense from the Government of Texas.

Every member appointed shall within five days from the date of this appointment file with the Secretary of the Senate, if appointed from the Senate, and with the Chief Clerk of the House of Representatives, if appointed from the House, an acceptance in writing agreeing to accept such appointment and actively to participate in the work and duties of the committee. In case of failure of appointee to file such acceptance, another appointment shall forthwith be made.

Referred to the Committee on State Affairs.

H. C. R. No. 15.

The Chair laid before the Senate the following resolution:

Whereas, Hon. William J. Fanning, of Sulphur Springs, Texas, is an applicant for the appointment of United States Ambassador to Czechoslovakia, under the present Administration; and

Whereas, Hon. William J. Fanning is an esteemed citizen, an able attorney of scholarly achievement, holding at present the position of vice-president of the Texas Junior Bar Association; and

Whereas, He is a fluent speaker of several languages which will enable him in adjusting himself to the European customs; and

Whereas, He has the endorsement of Senator Morris Sheppard and Senator Tom Connally for this position.

THEREFORE, BE IT RESOLVED, By the House of Representatives and the Senate concurring, that we endorse the Hon. William J. Fanning of Sulphur Springs, Texas, for the appointment of United States Ambassador to Czecho-Slovakia, and as a token of our respect, admiration, and esteem of our fellow Texan, that an enrolled copy of this resolution be forwarded to President Franklin D. Roosevelt, to James A. Farley, to Senator Sheppard, to Senator Connally, at Washington, D. C., and to the Hon. William J. Fanning.

On motion of Senator DeBerry, the Senate gave unanimous consent to take up and consider the resolution at this time without reference to a committee.

Senator Murphy offered the following amendment to the resolution:

Amend H. C. R. No. 15, by striking out the word "Ambassador" and inserting in lieu thereof the word "minister."

**MURPHY,
DeBERRY.**

The amendment was adopted.

The resolution, as amended, was adopted.

Message From the House.

Hall of the House of Representatives,
Austin, Texas, Feb. 6, 1934.
Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolutions:

H. C. R. No. 1—Granting permission to Maney & Alley, Contractors, to sue the State for damages.

H. C. R. No. 4—Granting permission to O. B. Hamilton to sue the State for personal injuries.

H. C. R. No. 5—Granting permission to W. F. Sewell and wife and J. C. Lewis to sue the State for damages.

H. C. R. No. 6—Granting permission to E. A. Eliot and wife to sue the State for damages.

H. C. R. No. 11—Granting permission to Sam Tobolowsky and James

A. Gripeotis to sue the State for damages.

Respectfully submitted,
LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Message From the Governor.

Executive Department,
Austin, Texas, Feb. 5, 1934.
To the Texas State Senate:

I ask the advice, consent and confirmation by the Senate in the appointment of Honorable Thomas H. Fox, 210 First National Bank Building, Birmingham, Alabama, as Commissioner of Deeds for the State of Texas in Alabama.

Respectfully,
MIRIAM A. FERGUSON,
Governor of Texas.
Read and referred to Committee on Governor's Nominations.

House Resolutions Referred.

H. C. R. No. 1, referred to the Committee on State Affairs.

H. C. R. No. 4, referred to the Committee on State Affairs.

H. C. R. No. 5, referred to the Committee on State Affairs.

H. C. R. No. 6, referred to the Committee on State Affairs.

H. C. R. No. 11, referred to the Committee on State Affairs.

Resolution Signed.

The Chair gave notice of signing, and did sign, in the presence of the Senate, after its caption had been read, the following resolution:

H. C. R. No. 10.

S. C. R. No. 7.

Senator Moore sent up the following resolution:

Whereas, Texas citizens and industries have in the past conducted national good-will tours; and

Whereas, These tours have proven of untold value to the prosperity of Texas; and

Whereas, We have in President Franklin Delano Roosevelt, a Chief Executive whose every effort is being devoted to a return of prosperity; and

Whereas, Texas is rapidly returning to a state of prosperity as contemplated in the President's program; and

Whereas, The press of Texas has seen fit to revive interest in good-will tours by sponsoring "The Texas Press

Good-Will Special Train" that will visit Washington, D. C., and other major cities of the Middle West and East to carry our message of returning prosperity to the seat of the Federal Government and to industrial and financial centers, thus affording an opportunity on the part of our citizens to renew financial and commercial connections for our State; and

Whereas, We recognize in the proposal for the Texas Press Good-Will Train a magnificent opportunity to present the many advantages which Texas offers over other States of the Nation.

THEREFORE, BE IT RESOLVED, By the Senate of Texas, the House of Representatives concurring, That we give official sanction to the press of Texas in this splendid and patriotic undertaking, not alone in recognition of the service that will be rendered our State, but also in recognition of the part that Texas' most distinguished citizen, Vice President John Nance Garner, and our able United States Senators and Congressmen have contributed in cooperation with President Roosevelt to the return of prosperity;

BE IT FURTHER RESOLVED, That we commend the press of Texas for sponsoring this good-will tour and recommend full cooperation on the part of Texas citizens in this undertaking.

BE IT FURTHER RESOLVED, That a copy of this resolution be enrolled for presentation to President Roosevelt and other members of his official family by messengers in conveying the best wishes of the citizens of our State.

MOORE.

On motion of Senator Moore, the Senate granted unanimous consent to consider the resolution at this time without reference to a committee.

The resolution was adopted.

House Bill No. 6.

The Chair laid before the Senate H. B. No. 6, general moratorium bill, on second reading.

Senator Oneal offered the following amendment as a substitute to the bill:

H. B. No. 6.

A BILL

To Be Entitled

An Act amending Section Three (3) of Chapter 88, General Laws, Second Called Session, Forty-first Legislature; amending Section Four (4) of the same Act; providing that motor vehicle registration and license fees paid on or before April 1, 1934, for the year 1934, shall be good to and including March 31, 1935, and shall be the amount of a full fee for a year as provided by statute, but without penalty; and that all fees paid after January 31, 1934, and on or before April 1, 1934, shall be without penalty and the license shall relate back to January 1, 1934; and providing that tax collectors and other officials who have collected or hold penalties on registration or license fees paid after January 31, 1934, are authorized and instructed to refund same if application therefor and refund is made by March 15, 1934, and requiring such officials to make reports of such refunds; and providing that compliance by any person entitled to the benefits of this Act with its terms may be proved as a defense to prosecution for any act committed on or before April 1, 1934, which would otherwise be unlawful under Sections 14-b, 14-d or 14-e of Chapter 88, General Laws of Second Called Session, Forty-first Legislature; and repealing from and after April 1, 1934, Sections 14-a, 14-b, 14-c, 14-d and 14-e of Chapter 88 of the General Laws of the Second Called Session, Forty-first Legislature; and saving all convictions and prosecutions for violations of sections committed before April 1, 1934, in full force and effect; making it a misdemeanor for any person to operate a passenger car, commercial motor vehicle or truck-tractor on public highways during any month of a motor vehicle registration year without having attached to and displayed thereon two license number plates, on rear and on front, lawfully assigned for said vehicle for that current year; and making it a misdemeanor for any person to operate a road-tractor, motorcycle, trailer or semi-trailer

on the public highways during any month of a motor vehicle registration year, without having attached to and displayed on rear thereof a license number plate lawfully assigned therefor for that current year; and making it a misdemeanor for any person to operate any motor vehicle trailer or semi-trailer on the highways on or after April 1 of any motor vehicle registration year with license plate or plates for any preceding year attached or displayed and providing a fine in any sum not exceeding two hundred (\$200.00) dollars for conviction for any one of such misdemeanors; and declaring an emergency.

By Senators Oneal, Collie, Woodward, and Poage:

Amend H. B. No. 6 by striking out all after the enacting clause and substituting in lieu thereof the following:

Section 1. That Section Three (3) of Chapter 88, General Laws, Second Called Session, Forty-first Legislature, be amended so as hereafter to read:

"Application for the registration of a vehicle required to be registered hereunder shall be made on a form furnished by the department; each such application shall be signed by the owner of the vehicle and shall give his name and address in full, and shall contain a brief description of the vehicle to be registered. Said description, in case of a new motor vehicle, shall include: the trade name of the vehicle; the year model; the style, type of body and the weight, if a passenger car, or the net carrying capacity and gross weight, if a commercial motor vehicle; the motor number; the date of sale by manufacturer or dealer to the applicant. The application shall contain such other information as may be required by the department. It is expressly provided, however, that the owner of a vehicle previously registered in any State for the preceding or current year may in lieu of filing an application as hereinbefore directed, present the license receipt and transfer receipts, if any, issued for the registration or transfer of the vehicle for the preceding calendar year, and said receipt or receipts shall be accepted by the county tax collector as an

application for the renewal of the registration of the vehicle, provided said receipts show that the applicant is the rightful owner thereof. Provided, however, that should an owner or a claimed owner of a motor vehicle or automobile offer to register same but has lost or misplaced the registration receipt or transfer, then upon his furnishing satisfactory evidence to the tax collector by affidavit or otherwise that he is the real owner of same, then shall it become the duty of the tax collector to issue him license therefor. It shall be the duty of the tax collector to date each registration receipt issued for a vehicle the same date that application is made for registration of such vehicle. Owners of motor vehicles, trailers and semi-trailers, which are the property of, and used exclusively in the service of the United States Government, the State of Texas, or any county or city thereof, shall apply annually to register all such vehicles, but shall not be required to pay the registration fees herein prescribed provided that affidavit is made at the time of registration by a person who has the proper authority that such vehicles are the property of and used exclusively in the service of the United States Government, the State of Texas, or county or city thereof. Application shall be made for the registration of a new vehicle for the unexpired portion of the year in which it is acquired before it is operated on the public highways; except that a new vehicle may be operated temporarily by a dealer under a dealer's license number or by its purchaser under a special dealer's cardboard number as provided in Chapter 211, General and Special Laws of the Regular Session of the Fortieth Legislature. The year for the purpose of registration of motor vehicles shall be April 1 to March 31 (both inclusive), of the next succeeding calendar year, and may be referred to as the 'Motor Vehicle Registration Year,' and current year where used in the statutes relating to payment of registration fees shall mean that motor vehicle registration year. Application for the renewal of registration of a vehicle and for each chauffeur's license for any motor vehicle registration year shall be made not later than April 1st of such year."

Sec. 2. That Section 4, Chapter 88, General Laws of Second Called Session, Forty-first Legislature, be amended so as to hereafter read:

"Each application filed hereunder for registration or for chauffeur's license during April shall be accompanied by the annual fee; each application filed after April shall be accompanied by the full amount of the annual fee if the vehicle was operated on the public highways or streets during any part of April of that year, each application for re-registration filed during May or any subsequent month of that motor vehicle registration year, shall be accompanied by affidavit that such vehicle has not been previously operated upon the highways of this State during any portion of the current year and shall be accompanied by eleven-twelfths, ten-twelfths, nine-twelfths, eight-twelfths, seven-twelfths, six-twelfths, five-twelfths, four-twelfths, three-twelfths, two-twelfths, or one-twelfth respectively of the annual fee."

Sec. 3. Every motor vehicle registration or license fee paid and chauffeur's license fee paid on or before January 31, 1934, for the calendar year, shall be good and valid until and including March 31, 1935, as if originally issued for such term, and all 1934 license plates may lawfully be used for such term.

Every registration fee or license fee paid after January 31, 1934, and on or before April 1, 1934, shall be the full fee for a year as provided by statute, but without penalty; and the license issued upon such payment shall relate back to January 1, 1934, and be good to and including March 31, 1935.

All tax collectors and other officials who may have collected or may hold penalties on registration or license fees paid after January 31, 1934, are hereby authorized and instructed to refund to the person paying said penalty the amount of said penalty, providing that application must be made for and said refund made by March 15, 1934. Each collector or other official making such refund shall make with his reports now required by law on the collection of registration and license fees a detailed statement to become part of such report, showing the following: name of person paying penalty,

date of payment, amount of payment; name of person to whom refund was made, date of refund, amount of refund.

The compliance by any person entitled to the benefits of this act with the terms hereof when pleaded and proved to the satisfaction of the court or jury trying the case, shall be a defense to any criminal prosecution for any act committed on or before April 1, 1934, which otherwise would be unlawful under Section 14-b, Section 14-d, or Section 14-e, of Chapter 88 of the General Laws of the Second Called Session, Forty-first Legislature.

Sec. 4. From and after April 1, 1934, Section 14-a, Section 14-b, Section 14-c, Section 14-d and Section 14-e of Chapter 88 of the General Laws of the Second Called Session, Forty-first Legislature, shall be and are hereby repealed; provided that all convictions and prosecutions for violations of said sections committed before April 1, 1934, are hereby saved in full force and effect as if this section were not enacted into law.

Sec. 5. Any person who operates a passenger car or a commercial motor vehicle or truck-tractor upon the public highways of this State any time during any month of a motor vehicle registration year without having displayed thereon and attached thereto two license number plates, one plate at the front and one at the rear, which have been duly and lawfully assigned for said vehicle for the current year, shall be guilty of a misdemeanor.

Sec. 6. Any person who operates a road-tractor, motorcycle, trailer or semi-trailer upon the public highways of this State any time during any month of a motor vehicle registration year without having attached thereto and displayed on the rear thereof, a license number plate duly and lawfully assigned therefor for the current year shall be guilty of a misdemeanor.

Sec. 7. Any person operating any motor vehicle, trailer or semi-trailer upon the highways of this State on and after April 1 of any motor vehicle registration year with license plate or plates for any preceding year attached or displayed, shall be deemed guilty of a misdemeanor.

Sec. 8. Any person convicted of

a misdemeanor for a violation of Section 5, Section 6 or Section 7 of this Act shall be fined in any sum not exceeding two hundred (\$200.00) dollars.

Sec. 9. The fact that annual motor vehicle registration and license fees are now required to be made each year in January, and that many other taxes, State, county and city, fall due in that month, thus placing an unduly heavy tax burden on the taxpayers in that month, and the further fact that many owners of motor vehicles were not able this year to pay the annual fees before date of accrual of penalty, create an emergency and an imperative public necessity that the constitutional rule requiring bills be read on three several days in each House be suspended in order that this Act shall take effect and be in full force and effect from and after its passage, and said rule is hereby suspended, and it is so enacted.

The amendment was adopted.

Senator Poage offered the following amendment to the amendment:

Amend substitute to H. B. No. 6, by adding thereto the following:

Sec. 3. Beginning with the motor vehicle registration year, beginning April 1, 1935, and for every year thereafter, all license fees shall be reduced by twenty per cent (20%)

from the amount of the present fees as now fixed by the statutes of this State.

Sec. 4. From and after January 1, 1935, Sections 5, 6, 7, 8, and 8-a of Chapter 88 of the General Laws of the Second Called Session of the Forty-first Legislature shall read as follows:

"Sec. 5. The annual license fee for the registration of a motorcycle shall be Four (\$4.00) Dollars, and for each side-car Two and 40/100 (2.40) Dollars.

The annual license fee for the registration of a passenger car shall be based upon the weight of a vehicle as follows:

Weight in pounds	Fee per 100 pounds or fraction thereof
1-2000	\$ 4.50
2001-3500	10.10
3501-4500	17.30
4501 and up	18.00

The weight of any passenger car, for purposes of registration shall be the weight generally accepted as its correct shipping weight plus one hundred pounds.

Sec. 6. The annual license fee for the registration of a commercial motor vehicle or truck-tractor shall be based upon the gross weight and tire equipment of the vehicle as follows:

Gross Weight in pounds	Fee per 100 pounds or fraction thereof	
	Equipped with Pneumatic Tires	Equipped with Solid Rubber Tires
1— 6,000	\$ 19.20	\$ 24.00
6,001— 8,000	32.00	38.40
8,001—10,000	48.00	56.00
10,001—12,000	67.20	86.40
12,001—14,000	89.60	112.00
14,001—16,000	115.20	153.60
16,001—22,000	183.10	264.00
22,001—26,000	332.80	416.00
26,001—and up	832.00	1,040.00

The term gross weight as used in this section shall mean the actual weight of the vehicle fully equipped with body and other equipment, as certified by any official public weigher or any license and weight inspector of the State Highway Department, plus its net carrying capacity. "Net carrying capacity" of any vehicle, except a bus, as used in this section shall be the weight of the heaviest net load to be carried on the vehicle being registered; provided said net carrying capacity shall in no case be less than the manufacturer's rated carrying capacity. "The net carrying capacity of a bus as defined in this Act shall be computed by multiplying its seating capacity by 150 pounds. The seating capacity

of any such vehicle shall be the manufacturer's rated seating capacity exclusive of the driver's or operator's seat. The seating capacity of any such vehicle not rated by the manufacturer shall be determined by allowing one passenger for each sixteen inches that such vehicle will seat, exclusive of the driver's or operator's seat."

Sec. 7. The annual license fee for the registration of a road tractor shall be based upon the weight of the tractor, as certified by any official public weigher or any license and

weight inspector of the State Highway Department as follows:

1— 4,000 pounds	-----	\$ 8.00
4,001— 6,000 pounds	-----	24.00
6,001— 8,000 pounds	-----	38.40
8,001—10,000 pounds	-----	60.00
10,001—16,000 pounds	-----	128.00
16,001—20,000 pounds	-----	320.00

Sec. 8. The annual license fee for the registration of trailer or semi-trailer shall be based upon the gross weight and tire equipment of the trailer or semi-trailer as follows:

Gross Weight in pounds	Fees per 100 pounds or fraction thereof		
	Equipped with Pneumatic Tires	Equipped with Solid Tires	Equipped with Steel Tires
1— 6,000	----- \$ 14.40	\$ 19.20	\$ 48.00
6,001— 8,000	----- 25.60	32.00	80.00
8,001—10,000	----- 40.00	48.00	120.00
10,001—12,000	----- 57.60	76.80	192.00
12,001—14,000	----- 89.60	112.00	280.00
14,001—16,000	----- 153.60	192.00	384.00
16,001—20,000	----- 256.00	320.00	640.00
20,001—and up	----- 640.00	800.00	960.00

The term "gross weight" as used in this section means the actual weight of the trailer or semi-trailer, as officially certified by any public weigher or any license and weight inspector of the State Highway Department, plus its net carrying capacity. "Net carrying capacity" as used in this section shall be the weight of the

heaviest net load to be carried on the vehicle being registered; provided said net carrying capacity shall in no case be less than the manufacturer's rated carrying capacity.

Sec. 8-a. Annual license fees for the registration of motor buses shall be based upon the "gross weight" of the vehicle as follows:

Gross Weight in pounds	Fee per 100 pounds or fraction thereof	
	Equipped with Pneumatic Tires	Equipped with Solid Tires
1— 4,000	----- \$ 35.20	\$ 40.00
4,001— 6,000	----- 55.20	67.20
6,001— 8,000	----- 83.20	96.00
8,001—16,000	----- 179.20	204.80
16,001—24,000	----- 268.80	336.00
24,001—28,000	----- 313.60	448.00
28,001—and up	----- 896.00	1,344.00

Senator Murphy sent up the following amendment to the Poage amendment:

Amend Poage Amendment to Senate Substitute to H. B. No. 6, by striking out Sections 6, 7, 8, and 8-a of said amendment.

MURPHY.

The amendment was adopted.

Senator Pace made a motion to

table the amendment of Senator Poage.

The motion to table prevailed by the following vote:

Yeas—19.

Beck.	Holbrook.
Blackert.	Hopkins.
DeBerry.	Martin.
Duggan.	Moore.
Greer.	Neal.

Oneal.	Russek.
Pace.	Small.
Parr.	Woodruff.
Patton.	Woodul.
Redditt.	

Nays—10.

Collie.	Purl.
Cousins.	Rawlings.
Hornsby.	Regan.
Murphy.	Sanderford.
Poage.	Woodward.

Absent—Excused.

Fellbaum.	Stone.
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Senator Rawlings sent up the following amendment:

Amend H. B. No. 6, Oneal substitute, by adding thereto immediately after the enacting clause, a new section to be known as Section 1-a and Section 2 Chapter 88 Acts of the Forty-first Legislature, Second Called Session, as amended by Chapter 23, Section 2, Acts of the Forty-first Legislature, Fifth Called Session, is hereby amended to hereafter read as follows:

"Sec. 1-a. Every owner of a motor vehicle, trailer or semi-trailer used or to be used upon the public highways of this State, and each chauffeur, shall apply each year to the State Highway Department through the county tax collector of the county in which he resides for the registration of each such vehicle owned or controlled by him, or for a chauffeur's license, for the ensuing or current calendar year or unexpired portion thereof; provided, however, the owner of any commercial motor vehicle, trailer, semi-trailer, or motor bus shall have the right to register the same in any county in which or through which said vehicle is to be regularly operated, and shall be privileged to render the same for taxation and to pay the ad valorem tax upon any such vehicle in the county where the same is registered; provided, however, that owners of farm tractors, farm trailers, farm semi-trailers, and implements of husbandry, operated or moved temporarily upon the highways shall not be required to register such farm tractors, farm trailers, farm semi-trailers, or implements of husbandry; provided, however, that such farm trailers and farm semi-trailers are operated in conformity to all provisions of the law save and except the requirements as to registration and license;

and providing further that the exemptions in this section shall not apply to any farm trailer or farm semi-trailer when the gross weight exceeds 4,000 pounds; provided, that no farm trailer or farm semi-trailer with metal tires shall be permitted to operate at a speed in excess of fifteen (15) miles per hour; and further provided that the exemptions in this section shall not apply to any farm trailer or farm semi-trailer with steel tires of a width less than three inches operating in excess of fifteen (15) miles per hour; and providing, further, that the exemption in this section shall not apply to any farm trailer or farm semi-trailer when the same is used for hire. Provided, however, it shall be unlawful to operate any trailer or semi-trailer at night without a rear red light or red reflectors."

The amendment was adopted.

Senator Duggan sent up the following amendment:

Amend H. B. No. 6, by adding an additional section, reading as follows:

"Sec. 7-a. All school buses owned by any school district and operated under the supervision of any public school board in Texas, used exclusively for the transportation of children to and from school, shall be exempt from registration fees."

Pending.

Executive Session.

At 11:55 o'clock a. m., the Chair announced that the hour for the Executive Session had arrived. The Chamber was cleared and the doors were locked.

After Executive Session.

At the conclusion of the Executive Session at 12:05 o'clock p. m., the Secretary of the Senate informed the Journal Clerk that the following action had been taken:

The appointment of Hon. Thomas H. Fox, of Birmingham, Alabama, as Commissioner of Deeds for the State of Texas in Alabama.

Confirmed.

Recess.

On motion of Senator Moore, the Senate, at 12:06 p. m., recessed until 2 o'clock p. m. today.

Afternoon Session.

The Senate was called to order,

pursuant to recess, at 2 o'clock p. m., by Lieutenant Governor Edgar E. Witt.

At Ease.

On motion of Senator Russek, the Senate, at 2:05 p. m., stood at ease for the purpose of completing the committee hearing on the Child Labor Amendment, until 2:42 p. m.

In Session.

The Senate was called to order at 2:43 p. m., by Lieutenant Governor Edgar E. Witt.

House Bill No. 6.

The question recurred on the adoption of the Duggan amendment.

The amendment was adopted.

Senator Redditt sent up the following amendment:

Amend Oneal Substitute for H. B. No. 6, by adding thereto the following section, to be known as Section 5-a.

Sec. 5-a. Any person who shall directly or indirectly enter into any agreement with a commissioners' court of any county in the State of Texas, or any officer or agent of said court or county, that he will register or cause to be registered any motor vehicle, trailer or semi-trailer, in said county in consideration of the use by said county of the funds derived from said registration in the purchase of any property of any kind or character, or in consideration of anything or any act to be done or performed by the commissioners' court, or any of its agents or officers or any county officer, shall be guilty of a bribery and shall be subject to the same penalty as provided by law for the offense of bribery. The registration of each separate vehicle shall constitute a separate offense. The agreement and/or conspiracy to register shall constitute a separate offense. Any person, firm or corporation who shall make agreements as provided herein, or seek to make such agreements, shall be restrained by injunction by the county or district attorney of the county in which said motor vehicle is registered, or upon application of the Attorney General of the State of Texas.

The amendment was adopted.

Senator Rawlings sent up the following amendment:

"Amend the caption of H. B. No. 6 to conform to the body of the bill." The amendment was adopted.

The bill was read second time and passed to third reading.

On motion of Senator Oneal, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 6 was put on its third reading and final passage by the following vote:

Yeas—29.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.
Oneal.	

Absent—Excused.

Fellbaum.	Stone.
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Read third time and finally passed by the following vote:

Yeas—22.

Blackert.	Purl.
Collie.	Oneal.
Cousins.	Rawlings.
DeBerry.	Redditt.
Duggan.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Woodruff.
Neal.	Woodul.
Poage.	Woodward.

Nays—5.

Greer.	Pace.
Holbrook.	Patton.
Murphy.	

Absent.

Beck.	Parr.
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Absent—Excused.

Fellbaum.	Stone.
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Reason for Vote.

I voted "No" on this bill for the reason that it reduced the registra-

tion fees of automobiles 25% this year and it will be detrimental to the financial set-up already made by the very small counties in Texas. As a permanent policy, I would not object to changing the registration to the first of April of each year, if that were the only change in the bill.

PACE.

S. C. R. No. 8.

Senator Sanderford sent up the following resolution:

Whereas, It is generally recognized that under recent authorization of the Congress of the United States, action has been taken by the Veterans' Administration which has resulted in hardship and injustice to many of the veterans of the World War, because certain rules have been applied by the Veterans' Administration in a manner that does not adequately meet the moral responsibilities of the Government of the United States to men who had sacrificed their health or had become crippled in the services of our country, and

Whereas, Such injustice has been admitted on the part of the Government by rectifying some of the mistakes that it made in particular cases where disabled veterans had been ruthlessly cut off, although there are yet many meritorious cases that are not being adequately cared for by the Veterans' Administration under present legislation.

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the State of Texas, the House of Representatives concurring. That the twenty-one Congressmen representing the State of Texas, and the two U. S. Senators in the Congress of the United States, be and are hereby requested to support the four-point program of the American Legion; and

BE IT FURTHER RESOLVED, That copies of this resolution be sent to each of said Congressmen representing the State of Texas.

Senator Sanderford moved that unanimous consent be given that the resolution be considered at this time without being referred to a committee.

The motion prevailed.

The resolution was adopted.

S. C. R. No. 9.

Senator Duggan sent up the following resolution:

Whereas, On or about September 23, 1933, N. W. Buchanan, resident of the City of Tahoka, in Lynn County, Texas, was standing on the side of his car, riding down the streets of Tahoka; and

Whereas, While he was so riding down the streets of Tahoka, a highway truck that was being driven by a young man in the services of the Highway Department of Texas recklessly backed into said Buchanan's car, seriously injuring said N. W. Buchanan. This injury consisted of back and hips being severely crushed and flesh being torn from one leg almost all the way around, leaving the bone exposed for several inches, which has become a running sore and will not heal for some time yet, and

Whereas, Said Buchanan by reason of such accident was confined to his bed for many weeks and is able at this time to hobble around on crutches with severe pain and discomfort, and by reason of said accident, it may be many months before he is able to do any work at all; and

Whereas, N. W. Buchanan is married and has a family of three children who are wholly dependent on him for support, and by reason of said injury has been unable to make a living for his family and will be unable to work for some time yet, thereby causing real suffering and need to both himself and family.

NOW, THEREFORE, BE IT RESOLVED, By the Senate, the House of Representatives concurring, That the said N. W. Buchanan, or his heirs, executors, and administrators, be, and they are hereby authorized to bring suit against the State Highway Department of Texas and/or the State of Texas for such amount as said N. W. Buchanan may be entitled to recover by reason of such resulting damages, and that in case such suit be filed, service of citation or other necessary process be had upon the Governor of the State of Texas, the Chairman of the State Highway Commission of Texas and the Attorney General of Texas, and that the same have the same force and effect as made and provided in civil cases; and provided that either one of the parties to said suit shall have the right to appeal without the execution of bond, and any judgment that may be finally established against the State of Texas and the State Highway Commission of Texas

or either of them, in said suit, shall be a liquidated debt and shall be paid by the State Highway Commission of Texas out of the State Highway funds. Such a suit may be filed in any court of competent jurisdiction in Travis County, Texas.

DUGGAN.

On motion of Senator Duggan, the Senate granted unanimous consent to consider the resolution at this time without reference to a committee.

The resolution was adopted.

Adjournment.

On motion of Senator Martin, the Senate, at 3:25 o'clock p. m., adjourned until 10 o'clock a. m., tomorrow.

APPENDIX.

Committee on Engrossed Bills.

Committee Room,

Austin, Texas, Feb. 6, 1934.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. C. R. No. 7 carefully examined and compared and find same correctly engrossed.

REGAN, Chairman.

Committee Reports.

Committee Room,

Austin, Texas, Feb. 6, 1934.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Governor's Nominations, to whom was referred the appointment of Hon. Thomas H. Fox, of Birmingham, Alabama, as Commissioner of Deeds for the State of Texas in Alabama,

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that he be confirmed.

MARTIN, Chairman.

EIGHTH DAY.

Senate Chamber,

Austin, Texas,

February 7, 1934.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Edgar E. Witt.

The roll was called, a quorum be-

ing present, the following Senators answering to their names:

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

Absent—Excused.

Fellbaum.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Woodward.

Petitions and Memorials.

(See Appendix.)

Committee Reports.

(See Appendix.)

Bills and Resolutions.

By Senator Regan:

S. B. No. 6, A bill to be entitled "An Act to amend Articles 1111, 1112, 1113, and 1114, of the Revised Civil Statutes of Texas for 1925, and amendments thereof as passed by the Fortieth Legislature, and as amended by Chapter 32, Acts of the Third Called Session of the Forty-second Legislature, at page 96, and as amended by Chapter 122, of the Acts of the Regular Session of the Forty-third Legislature, at page 320; providing for the character of repairs and extensions necessary to render efficient service, which shall be a first lien and charge upon the incomes of the particular utility which is repaired or extended, providing for proper records to be kept of income and expenses, providing a penalty for failure to maintain such records, providing that bonds issued under the provisions of this Act may be approved by the Attorney General and registered by the Comptroller, declaring projects carried out under the terms of this Act to be self-liquidating, repealing laws in conflict